

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, December 13, 2006, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, November 29, 2006 Worksession.

Action: Approved, (WMH/CGT, 4-0).

2. **A-6149, Appeal of Yves Savain** (Department of Permitting Services – Letter dated May 2, 2006). Letter from the appellant withdrawing the administrative appeal.

Action: Dismissed the administrative appeal as withdrawn, (CLH/WMH, 4-0).

3. **A-6185, Appeal of Carol Ann Placek** (Department of Permitting Services – Issuance of Building Permit No. 423918, dated August 2, 2006). Letter to the Board Stephen Orens, Esquire, and Rebecca Willens, Esquire, entering their appearance and requesting an expedited hearing. Also included is a letter from the appellant requesting that the hearing not be expedited.

Action: (1) Granted the request to intervene; (2) Motions on Procedural Matters from the County Attorney and the interveners' attorney due on 1/15/07; (3) Motions on Procedural Matters from the appellant due 2/8/07; (4) Pre-hearing Conference scheduled for 2/14/07, (CGT/CLH, 4-0).

4. **S-250, Petition of Isabelle O. Barr** (child care home). Memorandum to the Board from Heather Gottke, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception as abandoned, (CGT/WMH, 4-0).

5. **S-1831, Petition of Rich Austin t/a Grandi Flora** (landscape contractor). Memorandum to the Board from Heather Gottke, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (CGT/CLH, 4-0).

6. **S-2460, Petition of Grace House** (assisted living facility). Letter to the Board from Casey L. Moore, Esquire, requesting a correction of the record and to the Board's Resolution dated 9/9/06.

Action: (1) Re-opened the record to include Ms. Moore's letter; (2) BOA will issue a corrected Resolution, (CLH/WMH, 4-0).

7. **S-2496, Petition of Leon Trager** (accessory apartment). Memorandum from Unray Peters, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked the special exception as abandoned, (CGT/WMH, 4-0).

8. **S-2597, Petition of Avalon Bay Communities, Inc.** (dwellings in a commercial or industrial district). Letter to the Board from Stephen Elmendorf, Esquire, and Yum Yu Cheng, Esquire, submitting an electrical and the final wetlands permits.

Action: Re-opened the record to include Mr. Elmendorf and Ms. Cheng's letter with attachments, (CLH/CGT, 4-0/AIF/recused).

9. **S-2686, Petition of Jeanette Benjamin** (retail establishments in a multiple-family dwelling). Memorandum to the Board from Carlton Gilbert, Planner Coordinator, M-NCPPC, regarding the proposed special exception.

Action: Item deferred for additional information from the M-NCPPC Technical Staff, consensus.

#### **DECISION ITEMS:**

10. **S-2668, Petition of Taiwan Culture Center, Inc.** (service organization). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception as amended with conditions, (WMH/CLH, 4-0).

11. **S-2678, Petition of Farzam and Francesca Tamami** (non-resident medical practitioner). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (CGT/WMH, 4-0).

12. **S-2679, Petition of Sally Brucker** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (CLH/CGT, 4-0).

#### **PENDING ITEMS:**

13. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07. [W/S 10/25/06].

14. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06].

15. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].

16. **S-1365, Petition of Tahira Azziz** (group residential facility for exceptional persons). Returning Item from Worksession 11/29/06. Hearing Examiner's Opinion and Decision in SE 89-11, stating that S-1365 was never implemented. Also included are letters of objection from Thomas Staley and Richard Langston, as well as a request for a public hearing; and a letter from the special exception holder. Item deferred pending receipt from Ms. Azziz of written confirmation that the special exception was not implemented. [W/S 11/29/06].

17. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen as been removed. [W/S 7/26/06].

18. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12/7/05].

19. **S-2453, Petition of Academy Child Development** (child day care facility). Letter to the Board from Marilyn Fleetwood, President, requesting an administrative modification. Item deferred for additional information and what will be the impact of peak travel time, consensus. [W/S 5-31-06].

20. **S-2527, S2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing. Also included are letters from Erica Leatham, Esquire, requesting that the Board defer this request until its next Worksession. (1) Re-opened the record to include letters dated 4/21/06, 5/1/06, 5/5/06, 5/9/06, (2) request inspection by the Department of Permitting Services (DPS) to determine where special exception stands in terms of its implementation. [W/S 5/10/06].

**PENDING ITEMS (continued):**

21. **S-2666, Petition of Orlando Martinez and Martha Gaitan** (accessory apartment). Hearing Examiner's Report and Recommendation. Item deferred until receipt of a revised landscape plan. [W/S 6/28/06].

**Board Members**

Allison Ishihara Fultz, Chair  
Donna L. Barron, Vice Chair - ABSENT  
Wendell M. Holloway  
Caryn L. Hines  
Catherine G. Titus

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist

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**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, December 13, 2006, 9:30 a.m.**

**ACTION ITEM:**

1. **A-6172, Appeal of Clifford W. Ashby** (Department of Permitting Services – Notice of Violation, dated August 24, 2006). Letter to the Board from the appellant withdrawing the appeal and requesting a refund of the filing fee.

Action: (1) Dismissed that administrative appeal as withdrawn; (2) granted a 50% (\$100.00) refund of the filing fee, (CLH/WMH, 4-0).

**Board Members**

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Wendell M. Holloway  
Caryn L. Hines  
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**Staff**

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